

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

SCOTT L. DELK,

Plaintiff,

v.

ACTION NO. 2:14cv505

CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. §§ 405(g) AND 1383(c)(3), seeking judicial review of the decision of the Commissioner of the Social Security Administration's ("Commissioner"), decision which denied the Plaintiff's claim for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"), under Title II and Title XVI of the Social Security Act.

On December 22, 2014, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on April 16, 2015, recommending the Defendant's Motion for Summary Judgment (ECF No. 10) be granted, that Plaintiff's Motion for Summary Judgment (ECF No. 8) be denied, and that the decision of the Commissioner be affirmed. By copy of the report, each party

was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court received Plaintiff's Objections to the Magistrate Judge's Report and Recommendation on April 29, 2015, and Defendant's Reply was filed May 13, 2015.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed April 16, 2015. Accordingly, the Plaintiff's Motion for Summary Judgment (ECF No. 8) is **DENIED**; the Defendant's Motion for Summary Judgment (ECF No. 10) is **GRANTED**; and, the final decision of the Commissioner is **AFFIRMED**.

The parties may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

/s/  
Rebecca Beach Smith  
Chief Judge

- *RB*

REBECCA BEACH SMITH  
CHIEF JUDGE

May 15, 2015